

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNIVERSITAS EDUCATION, LLC,	:	
	:	
Judgment Creditor,	:	CASE NO. 11 CV 1590-LTS-HBP
	:	
Against	:	
	:	
NOVA GROUP, INC., as trustee, sponsor and	:	
Fiduciary of THE CHARTER OAK TRUST	:	
WELFARE BENEFIT PLAN,	:	
	:	
Judgment Debtor.	:	

**NONPARTY RICHARD S. ORDER'S EMERGENCY MOTION FOR
PROTECTIVE ORDER REGARDING DEPOSITION SUBPOENA**

In accordance with Fed. R. Civ. P. 26(c) and 45(c), nonparty Richard S. Order, Esq. respectfully moves for a protective order with respect to a deposition subpoena served on him by judgment creditor Universitas Education, LLC seeking to take his deposition on Friday, July 13, 2012 in White Plains, New York, 96 miles from his office in Hartford, Connecticut and 103 miles from his home in Simsbury, Connecticut. Besides the undue inconvenience to Mr. Order requiring him to spend more than four hours traveling roundtrip for this deposition, the evident purpose of the deposition is to annoy or harass him and waste a full business day because he has informed Universitas that he possesses no information that could reasonably lead to the discovery of assets by which Universitas can satisfy its judgment and that other

questions it may wish to pose about his relationship with his former client, Nova Group, Inc., and its affiliates will be objectionable on the grounds of attorney-client privilege or irrelevant.

Mr. Order offered to go forward with the deposition in Hartford, but Universitas rejected that offer without explanation.

Accordingly, Mr. Order requests that the Court (a) quash the subpoena entirely on the grounds that since Universitas realizes he possesses no information that could reasonably lead to the discovery of assets or that other questions it may wish to pose will be objectionable on the grounds of attorney-client privilege, this deposition is simply a way to harass or annoy him in the hope of forcing a payment from the judgment debtor; (b) require Universitas to take the deposition in Hartford and limit the deposition to one or two hours at most; or (c) permit the deposition to proceed in White Plains but require Universitas to pay Mr. Order's law firm **in advance** for at least four hours of travel and for however many hours Universitas projects the deposition may last (thereby limiting the deposition to those projected hours) at Mr. Order's usual billable rate of \$460 an hour.

The pertinent facts and the good faith certification required by Fed. R. Civ. P. 26(c) are set forth in Mr. Order's accompanying Declaration.

Dated: July 11, 2012

NONPARTY,
RICHARD S. ORDER

By: /s/ Richard S. Order
Richard S. Order, Esq. (RO 5165)
UPDIKE, KELLY & SPELLACY, P.C.
100 Pearl Street, P.O. Box 231277
Hartford, CT 06123-1277
Phone: (860) 548-2600
Fax: (860) 548-2680
Email: rorder@uks.com

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2012, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by U.S. mail, postage prepaid, to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

By: /s/ Richard S. Order
RICHARD S. ORDER, ESQ.
Updike, Kelly & Spellacy, P.C.